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A conflict exists between the rights of students to privacy and the needs of college and/or others to obtain information about them. This conflict is prevalent in social work graduate schools, and centers around the following issues: (1) what information is obtained, (2) where it is obtained, (3) where and how it is kept, (4) whom requests what information to be given. "Admissions Information" i.e. students' background, mental and physical health, membership in organizations, finances, and "personal morality" seems irrelevant to the educational process in a school of social work. Release of any of this information to prospective employers often means maximum discretion on the part of social work educators and minimum protection for the student. Three recommendations are made: (1) procedures be established to limit obtaining and releasing information about students, (2) students should be involved in determining these procedures, and (3) a principle of selection should be used in obtaining and releasing information about beginning and graduated social work students. (LS)

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ETHICAL AND LEGAL CONSIDERATIONS OF RELEASE OF INFORMATION RELATING TO STUDENTS

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Modern technology has made it possible to gather, store, and retrieve information of many kinds, about many people, for many purposes. We are proud of being able to keep accurate quarterly statements posted to the individual wage records of about 90 million wage earners as part of the OASDHI program. There are other dossiers, perhaps less benign in nature, that have, been proliferating in the last quarter of a century. Governmental files bulged during the '40s and early '50s as they received statements, fingerprints, allegations, gueses, fantasies, hearsay, pictures, and whatever other types of "information" could be pushed into them. When the government curbed its appetite, the private sector speeded up its data gathering machinery. A society based on consumer credit apparently requires that credit ratings be kept current on potential as well as actual borrowers. Just last month (12/68) the U.S. Congress heard, through one of its committees, that literally scores of millions of adults have dossiers built up by private credit organizations with information as to their buying habits, paying patterns, income, and indebtedness (all of which may be pertinent to credit), but also including other personal information, some of which may be completely impertinent.

The single characteristic held in common between many of the governmental and non-governmental dossiers is that the person most directly involved, the one whose name appears on the index card as the subject of all of this activity, is frequently not aware of its existence. In addition, even if he knows of it, he is frequently helpless to find out what it contains. Finally, if he learns of what there is said about him, he is most usually unable to correct errors,

modify impressions, or refute lies. The fact that "only" tens of thousands of inaccuracies exist (that is, after all, such a small proportion) is an acceptable risk - for the dossier-builders.

Social workers are no strangers to gathering, storing, retrieving, and giving information. Nor are social work educators. My task today is to look at some of the issues this process raises for us. At what lawyers call "first blush", the subject of this paper appears to be rather narrow. I prefer to view my task broadly and to see the question of release of information as part of university-student relationships which are in such a state of flux these days. This particular aspect of the wider problem is similar to one that provides cause for concern and wide-ranging debate in our society. It comes out most clearly in issues of freedom of the press. It can be restated as the need of colleges and/or others to know, competing with the right of students to privacy.

Much of what has been written pertaining to this issue relates to undergraduate students in residence at colleges. This fact does not make the literature irrelevant. We should be considering undergraduates if only because of the proliferation of undergraduate programs in social work. Also, what is applicable to undergraduates is frequently applicable to students in graduate programs.

There is widespread interest and concern about issues of privacy and the right of privacy by students. This is evidenced by the fact that the Council on Social Work Education is providing a forum for discussion around these issues today. Position statements are written by such organizations as the American Council on Education[1] and the American Civil Liberties Union.[2] A report of a symposium is published in the California Law Review,[3] and a research

seminar on student conduct and discipline is held at the N.Y.U. School of Law.[4]

Perhaps it might be well to state here two rather divergent views as to what university education is so that we may put into context the position outlined below. The statement by the American Civil Liberties Union states the case with regard to freedom of expression in the classroom very clearly: "Those who think of education primarily as the delivery of information by teachers to students will find no problem here. But if probing, sharing, and hypothesizing are regarded as essential; if education requires unhibited expression and thinking out loud; and if tentative or spontaneous ideas are to be encouraged as conducive to learning, then disclosure of expressed opinion, or even disclosure based on expressed opinion, can become a threat to the educational process."[5] This statement may envisage an ideal rather than the realities of education in social work. It may be that Seeley comes closer to this reality when he describes the college as follows: "The college as it exists resembles the minimum-security wing of the general correctional system, or a sort of egg-candling-and-grading station for the military-industrial-intellectual complex, or a sort of jazzed-up and gentled-down-boot-training camp. Its objects are to hold secure, train, shape, tame and contain, to render uniform and usable enough the 'manpower pool' that these too-various, too-genuine, too-real, too-concerned students represent - if they could be brought to terms, brought to shape up, brought to the bargaining table. That requires a lot of truncation, pruning, damping-down, rounding-off, killing out, defeating and redirecting - and that is what, under present circumstances, the college is mostly for and about.

The 'educational content' such as it is, is in part a relatively harmless training 'skills' or the piling up of disjointed increments to dubiously useful piles of information, while it is also partly a means for 'socialization' (in the particularly narrow sense indicated) for which stringing beads or hoeing cotton or breaking rocks would be a pretty adequate substitute."[6]

Seeley's description is perhaps an over-statement since his article was written in defense of college psychiatry against the attack of Thomas Szasz.[7] The arguments regarding college psychiatry may be pertinent to the issues to be considered here. (I agree, as I'm sure Professor Seeley would, that the ACLU position of what education should be is a sound statement. My guess is that social work education falls somewhere between the ACLU and the Seeley descriptions.)

This paper will be, therefore, an exploration of the issues, some thoughts regarding justification or possible modifications of practice so that we may engage in what has popularly come to be called a dialogue. I had intended to say here that we do not know what actually goes on in practice in the various schools of social work in this country, and that a next step should be the gathering of pertinent data in this area. But a week ago I received a draft of a paper presented by Lilian Ripple to the Meeting of Deans and Directors here two days ago (1/21). Part of her paper dealt with practices of the 72 schools of social work in this country regarding release of information about students. I cannot react to her findings this quickly, but for those of you who did not have the opportunity to hear her presentation let me mention briefly that she presented material regarding the number of schools that followed a variety of

practices in releasing information to prospective employers (more than half of those schools responding stated that information was provided even where there was no indication of release or consent by students), and to inquirers other than prospective employers and organizations supplying financial aid (more than half of the schools made no response to this question).

There are a number of assumptions that I hold which I would like to make explicit at this time. For purposes of this paper there are basically four such assumptions. The first is that social work educators want to be of maximum help to their students. By this I mean that they try to provide an atmosphere within which the student may learn, may test his ideas against those of others, may get honest evaluations of his thought and his writing as well as his practice. This assumption is based on the fact that social work educators have, by and large, chosen this aspect of social work rather than others with some knowledge of what is involved in transmitting the norms of the profession as well as continuing to investigate the knowledge base on which practice rests.

The second assumption is that Law is not an evil institution and the bases of legal practice have some justification. This assumption is based on a reading of English Common Law and the American Constitutional Law which rests on that Common Law. Both English and American law have a marked emphasis on the protection of individual rights to such an extent that I make the assumption that the Law is esssentially a good institution.

My third assumption is that social work students, as entrants into the learning phase of education for a profession, are adults who are capable of making decisions for themselves, and taking the

responsibility for and risks of the consequences of their own decisions. I do not know what the mean age is of the first year classes of schools of social work throughout the country, but at our own School this year the mean age is thirty-three years. Were I personally in the fourth decade of my life, I would find it insulting to have an assumption other than this made about me.

The fourth assumption is that there is in process an interaction that is called by some "the student revolution" which has not as yet been either "won" or "lost". One of the basic "demands" of this revolution is for participation in decisions affecting the lives of students by the students themselves. What we do about the issue under consideration may have some bearing on the outcome of this process.

In thinking of the legal considerations surrounding the release of information about students, it became necessary to look at the differences between privileged and confidential communications. This distinction is important not only because it is interesting in itself, but also because it provides the basis for us to talk about the kinds of information we give or withhold about students and clients as well.

Confidential communications are "made in the confidence or trust that they will not be disclosed to third persons who are not integral and necessary elements of the particular confidential relationship."[8] This seems to be quite clear and most of us know what it means. We will not use, we are enjoined from using, information regarding our clients and students as part of casual conversation with our friends or family. We will hold in trust, as becomes our fiduciary capacity, the communication of our clients or students. A client or student in speaking to us is not speaking for publication.

Any communication from one person to another may be held in confidence by the receiver of the communication. Within the concept of confidential communication described above, however, privileged communication holds a special place. "Privileged communications are those confidential communications which are protected from disclosure by law."[9] This protection is a very important one in that it describes communications which cannot be forced even by courts of law to be disclosed under any condition without the explicit consent of the person making the communication. This basic privilege has been extended over many centuries to the communication between the client and his attorney. The lawyers have this right established through the courts, and it is in fact a functional requisite of the role of attorney for someone involved in a lawsuit, either criminal or civil. Without such privilege the lawyer would not be able, as an officer of the court, to at the same time safeguard his client's rights and those of the society which the court represents. The "cousin" of this right is the one that is embodied in the Fifth Amendment of the Constitution of the United States, which has withstood the tests of time and the many attacks upon it, including (I hope) the current ones.

The Legal institution makes a clear distinction between questions of law and questions of fact. There are questions of fact involved for us here. The first is that this privilege is extended to the communicator rather than the communicatee, in that the former has the right to request that the person receiving the communication divulge the contents thereof. A second fact is that only two states permit this "privilege" in communications to clients of social workers. These states as of this date are New York and Illinois.[10] Of course, this privilege may be extended to clients

of social workers in other jurisdictions which license or certify social workers in the future. This privilege is extended only by the state legislature. Privileged communication is not, to my knowledge, extended by the legislature of any state to educators.

Our social work culture, however, has certain norms of behavior, certain expectations of us. Some of these expectations are included in our Code of Ethics, others are not, but are part of the folklore of our profession. One of these norms is that of confidentiality. A similar norm is included in the culture of educators. Since most of us are both social workers and educators, this norm is reinforced from two directions.

I mentioned earlier that I agreed with the ACLU statement of what a college is despite the fact that this description might be somewhat idealized. Here, however, I must talk about what is real rather than what should be. We cannot, in fact, give to our students the assurance that anything that they say to us will be privileged. We can, nevertheless, speak of the confidence they can put in our professional ethics as either social workers or educators. However, we convey to clients and sometimes students, by word and deed, that the meaning of confidential and privileged communication is identical. This gives birth to misunderstanding for the student. There exists, unfortunately, in the mind of the faculties, a similar misunderstanding as to what can be delivered in the way of protection. We sometimes tell our students and our clients that we will do something that we cannot in fact do. Misunderstanding based on misinformation can be eliminated, or at least minimized, when correct information is available.

Misuses of the concept of confidentiality are around us all the time. (It should be noted that I am making an interpretation of misuse before the courts have had an opportunity to really give a definitive statement about this). Departments of Welfare or Social Services, for example, have been claiming in some jurisdictions that the client does not have a right to have counsel at hearings because some of the information that is given to the Department is given in confidence. It is my view that this is a misuse of the concept of confidentiality because it is protecting the wrong party. The agency, or in equivalent situations, the school, may be trying to protect itself from the exposure of nonfeasance, misfeance, and malfeasance of practice. In relying on the right of confidentiality, agencies or schools are taking from the client or student the right that <u>he</u> has to confidentiality of communication and usurping it for themselves.

With the assumptions and definitions out of the way, we may now turn to the issues. Here we will deal with four separate though interrelated questions. These are: what information do we get; where do we get the information; where and how do we keep the information; and by whom are we requested to give what information?

For purposes of analysis the first two questions may be combined and further subdivided into information prior to admission into school (admissions information) and in-school information.

Prior to admission to school we try to get information on students' background, health (both physical and mental), finances (since most students make some application for assistance in this area), membership in various organizations and, occasionally, their private morality. Some of this information is to be provided by the applicant himself, some from persons he has asked to vouch for his candidacy,

and some from a physician. The in-school information comes from classroom instructors, faculty advisors, field instructors, and may deal with background information, class grades, academic evaluation, field evaluation, learning blocks and problems, personal views and beliefs, and may even include political associations and what might legitimately be considered private morality.

Let us start first with the information we obtain for admission to a school. Again I must limit my observations to the types of applications for admission to a full time program that I am familiar with. However, I have no reason to believe that the small sample that I have access to is markedly different from the applications for admission to other schools of social work. Rather than go through the applications in detail, let me just pick several items which raise certain questions for me. First, is it necessary to know the Selective Service status of an applicant? I am sure that the applicant himself knows his status and has probably taken this into account in his decision to apply to a school of social work. Would we then make a decision for or against an admission on the basis of the answer to this question?

The next question is one in which the applicant is asked to list membership in certain organizations, including those outside of college and professional organizations. Membership in civic, fraternal, and/or other similar organizations do not strike me as being directly related to the educational process. I must agree with the NYU group who believe that no record should be made of the "membership in any organization other than honorary and professional organizations directly related to the educational process."[11]

Finally, the question asked of both the student and his physician may be treated together. Whether an applicant has had any professional help for physical and/or emotional problems in the past, whether there is any history of epilepsy, and whether there is any medical history of the family, with special reference to chronic illnesses and medical or nervous disorders seems to me to be completely irrelevant (to use a term currently in fashion) to the educational process in a graduate school of social work. Would it not be sufficient to have a statement from an examining physician that the applicant has been examined and found to be in good health?

Finally, when we ask for information from reference sources regarding such personal areas as emotional stability and functioning in social relationships, and give assurance that the information given us is privileged, I am forced to wonder whether we in schools of social work would send out this kind of information on the basis of such assurance. The additional question is raised, of course, as to what we expect to hear from people who are chosen by the applicant himself.

Having raised these questions I can now happily and without conflict move on without giving the answers. I can do this because I am not the Director of Admissions at our School.

In-school information includes financial data provided by the student in relation to his application for scholarship assistance. I will not go into what might be the situation in the best of all possible worlds, but would like to refer in passing to the fact that we use the much-despised means test here and base our request for information on the need to allocate limited resources. We give students the "right" to refuse to give us any of the information we have requested for admissions or for scholarship purposes, but availing

themselves of this "right" will either leave them out of the school or without any financial assistance in the form of scholarship or fellowship grants. The in-school information that goes into their records does not leave students at so much of a disadvantage since they most often have the opportunity to discuss with their classroom and field instructors and their faculty advisors all pertinent material regarding grades (if any),academic and field evaluations, learning blocks and problems, personal views and beliefs, any other material that might have come up in the course of their educational years.

Having received information from a variety of sources, where and how do we keep it? Of course, the best way we can protect students from any invasion of their privacy by people outside of the school is to keep all of the information in our own memories, which are notoriously poor. While memory storage is most appropriate for some forms of information, it cannot be relied on for most. Most of the information we obtain must go into a record of some kind. This is done in writing and is therefore more or less permanent and unchangeable. An issue for us then must not only be what we give or show to others, but also what we, using our best judgment, put into the record to begin with. There is, of course, need for separate files for each part of school life such as financial records, disciplinary actions, and any medical or psychological data. It goes without saying that the records should be destroyed as they are no longer needed for academic purposes. Despite the possible use of separate records, however, we still must exercise judgment as to what is included. Should we invade the privacy of any student, for example, by asking for the right to communicate with his psychotherapist? If we do go that far and receive such information, should it be included in our own files?

Even if we have obtained only the information we should have in order to meet the educational requirements of the student and the needs of the institution, we have merely made our lives somewhat easier. We have not solved the problems surrounding the issues of disclosure of information. We may receive all kinds of requests for information from a variety of sources and be faced again with conflicting claims to our loyalties. Of course, we say, employers who are sending their employees to schools of social work with full pay under a work-study plan are entitled to some information about the people whom they are considering for employment, and whom we have had for long periods of observation. Of course, we say, agencies providing stipends whether with or without commitments attached are entitled to certain information about students. And, of course, we say, agencies of the federal, state and local government may be entitled to certain information about our students whether or not these agencies are considering the students for possible employment. Let us leave for discussion later the issues surrounding atudent and alumnae releases for information and examine the suggestions of some others.

The policy statement of the ACLU states that teachers can, when interrogated by prospective employers of any kind, public or private, or indirectly by the institution's administrative officers in behalf of prospective employers, "safely answer questions which he finds to be clearly concerned with the student's competence and fitness for the job."[12] This statement seems to leave the door wide open for maximum discretion on the part of the teacher and minimum protection for the student. This despite the fact that the statement goes on to outline some of the dangers that surround such disclosures. Relying heavily on academic tradition and discretion and professional responsibility of the teacher, the statement indicates that disclosure based on the criteria mentioned is internal to the educational process.

"and is inherent in the basic understanding upon which the student enters the academic world." A question may reasonably be raised as to whether this understanding which is basic is ever stated directly to the student at the time he enters school and when we request information from him, or whether he must intuit this from small clues.

In dealing with issues surrounding the divulging of information by college psychiatrists, Szasz raises an interesting point. In situations in which there is a conflict between the right of the student to privacy and the right of a governmental agency such as the FBI to ask questions about a student, Szasz asks whether the psychiatrist (and for us here it would be the School of Social Work) would as soon assist the student's private lawyer or an attorney in the local chapter of the American Civil Liberties Union in a case brought by the student to protect his legal rights.[13] If we withhold information from the one, what rationale do we have for providing it to the other? Loyalty? To whom? We might keep in mind the fact that employers, past, present or future, as well as other persons, organizations and institutions have other sources from which information might be obtained. If we have been circumspect about what information goes into our files we can give the academic equivalent of name, rank and serial number to whoever asks. Thus a schlorship granting agency asking for an interim report can be given the information that the student is enrolled in the school, the implication being clear that any school of good standing would not maintain a student on the rolls who had not adequately completed the previous semester of work. We run into a refinement of this issue when a student is on probation at the school; do we then tell the granting agency about this probation. It seems clear that probation is an internal term with specific meaning for the school and does not mean

that the student will not be able to complete his work adequately. Therefore the originally suggested statement regarding current enrollment seems adequate.

Prospective employers also need be given relatively little information. The fact and date of graduation from the school, the degree awarded, and the types of field placements in which the student received his field experience should be sufficient. Agencies are not left helpless by this minimal information. They protect themselves well with varying periods of probation. Since potential employers are usually also social workers with some diagnostic sophistication who will conduct an interview with the prospective employee, it is not likely that something will go very far awry to either the agency or the institution of social work if this first employment opportunity does not prove to be equally beneficial to the recent graduate and to the agency. I don't know the practices of the schools for other helping professions, but I wonder whether we all tend to see ourselves too much in the role of recruiters for employers and thus put ourselves in an anomolous position.

A caution should be inserted here regarding the over-zealous guarding of information. There have been situations known in which schools and therapists have carefully withheld information about a student who was threatening suicide. It is doubtful that the principle of confidentiality would be of much use to the student if the threat is not an idle one and the information bearing on how this threat might be averted is withheld "on principle".

Discussion of any issue seems to be incomplete these days unless there are some dilemmas. This discussion is no different and this section will deal with three such dilemmas: that raised by carrying the roles of both social worker and educator, that raised

by the different models of social work as they are taught in the various schools; and that raised when the student or alumnus gives us a release for information.

Both social workers and educators are members of professions which deal with people and share many of the same values. Most social work educators have previously been social work practitioners on one level or another, usually for an extended period of time. We have promised confidentiality in our work with clients, sometimes without knowledge of the distinction between confidentiality and privilege, only to be severely shocked at times when we are faced with the need to provide courts with information we have promised not to share. Many of us have grown up as social workers in the therapist model to a point where, when we become social work educators, we sometimes do not feel free to get and divulge information intramurally which might be of value both to the student and to the field of social work education. Educators have the obligation to try to enhance the educational process. Such enhancement requires knowledge of both the process and the participants, each of which may require that information about students be utilized. There is no reason that I can see why this should not be done intramurally with one's colleagues. However, if there is publication beyond the walls of the institution the requirement must be made for the disguise of individuals and protection of privacy. There is nothing either new or surprising about this, for in this regard at least social work educational research is no different from research dealing with human beings in any field of endeavor. Seeley points to some of the dangers involved in publishing additions to the general body of knowledge when this publication reaches outside of the institution to what he calls the "manager exploiter" who may use the knowledge to

imprison rather than to liberate.[14] While it is clear that this risk does exist, it is one which is inherent in the publication of research and which we must try to protect against in whatever way we can. However, we should not use this as an excuse to forego the requirements of badly needed research in social work education.

The dilemma of the social worker and educator is brought home very clearly in another statement in the same article. Seeley says "what we must have (is) a community that is at once educational and therapeutic."[15] It seems to me that this is what social work schools have tried for years and I must raise the question: what is the record of our success? The attempt to be educational and therapeutic at the same time has raised some uncertainty both within faculty and among students as to specifically what the role of social work educator encompasses. It might be more helpful to everyone concerned if this dilemma were resolved in favor of the role of educator for the profession, with the primary emphasis being on education rather than on therapy.

The second dilemma deals with the varying models of social work being taught today. For each model we would want to get information about the students which differed. If we deal with the therapy model of social work practice we would be providing an appropriate model of practice to our students if we asked for and got information regarding their psychiatric, psychological, medical and perhaps even dental experiences. Such information might be deemed necessary to ascertain that the therapist social worker going out into the community is of sound mind and body, aware of his own hangups and methods of dealing with them. The material obtained during the in-school period would be on a different level also since the affective mode would be as important to teach and learn as the cognitive.

If we deem this information to be important and do not get it, we are providing a poor model for the students. If we deem it important and do get it, we are placing the student in jeopardy for we cannot keep the information privileged. We may be in fact demanding that he give up privileged information that was privileged when first communicated for another purpose in order to enter the school of social work. If we do not deem the information necessary and still demand it, we are curiosity seekers and "Peeping Toms", and are infringing upon the rights of our students and should reexamine our practices with a view toward modifying them.

There might be one potential safeguard which I will put forth only partly with tongue in cheek. In those states where communication with a social worker is legally privileged, perhaps the student could become a "client" of the faculty advisor, thereby assuring him of the true confidentiality of his communications with the advisor unless he voluntarily gave up this privilege in specific instances. I am not sure whether under these conditions a court would hold that this was a ruse to avoid disclosure rather than a true social worker-client relationship.

Where the role of advocate is emphasized, we may be putting ourselves and our students into a questionable position. Despite our best intentions we may sometimes encourage students in the advocacy role to act in ways that contravene the right of others. If this happens we may be asked by various parts of the legal system for information about the student. Would the profession as a whole stand behind the student in such a situation? Would it stand behind a school's refusal to give such information? Would an insurance carrier be able to win a case against a claim of malpractice of social work?

Responsible advocacy is difficult to practice and even more difficult to teach. The informational requirements we might have of students who are being thus trained might very well fall into questions of their experience with what we now call law-and-order, whether they have any record of arrests, or convictions. A record of the in-school behavior in relation to "rules and regulations" might be as important as the ability to recognize a counter-transference reaction to a mother surrogate. If we want to protect our students from what they might do in their overzealous attempts to be advocates for their clients while in student status, we might do well to exclude from admission to our school those who have been arrested or convicted prior to their application for admission. To do so might exclude some of the potentially strongest leaders from a profession and a society that needs people who risk illegal arrests rather than conform to an evil system.

Teaching for the general model of change agent in social work schools may present other problems if we wish to safeguard the students. Is it important for us to know, in this situation, the political and social background of the applicants for admission? Should we ask for specific information regarding arrests and conviction? Is it important to know the specific values held by the students with regard to, for example, violence, revolution, pacifism, civil disobedience. If we don't get to these bits of information in both class and field we are probably not reaching the essential core of our students to open them to examination and reexamination of their own positions. If we do get such information, where should it be held: in our memories or in the student's record? If such information does get into a written record, the student may be endangered for the balance of his working life by overzealous investigators

examining a period of his life when he is supposed to be questioning and learning, and ascribing malevolence to any non-conforming statements or behavior.

Turning now to the dilemma we face when students or alumnae give us releases for information, we see that even here nothing is extremely clear-cut. To whom do the faculties of schools of social work owe loyalty? Is it to students, the university, the employers who send their workers to our schools, to government? Of course we owe loyalty to each of them. But when a conflict arises between loyalties to two or more of the people or institutions, what then? The "Joint Statement on Rights and Freedoms of Students," in dealing with student records, states that: "Information from disciplinary or counseling files should not be available to unauthorized persons on campus, or to any person off campus without the express permission of the student involved, except under legal compulsion or in cases where the safety of persons or property is involved."[16] The implication is clear here that the release of information given by the student is sufficient. The opposite position seems to be taken by the ACLU which says in its policy statement that "whether or not the student wishes his teacher in a given instance to disclose details which adherence to general academic principles would leave undisclosed seems irrelevent."[17] This statement seems to mean that the student's wishes may be disregarded by the teacher, who guides his action and decision by "general academic principles". The dilemma remains.

We may legitimately take the position that students of schools of social work are adults, that they have rights, privileges and immunities that remain with them despite their acceptance of the role of student. They therefore have the right to divulge whatever

information they wish to anyone, and can ask the school to do so. Under such conditions, can the school refuse to give information that the uncoerced adult could himself give, or which he wants given for his own purposes? Neither the instructor nor the administration has the right to refuse to give such information when the student requests that it be given. To do so implies that we have superior knowledge about the student's good - superior even to that of the person himself. Can such a position be defended?

We may, on the other hand, take the position that students are somehow unable to know all of the factors that go into social work ethics before they have learned them from us, and that we therefore know best how to deal with issues in this area. In my view this is a mistake commonly made in social work education, not only with reference to ethical issues, but also in other areas in which we assign to ourselves a monopoly of knowledge, truth, and beauty. Our humanistic values are shared with many others, both individuals and organized groups or professions. Knowledge that we claim to have is sometimes in fact held more deeply and extensively by others, particularly those in the sciences on which our practice art is based. But to return to the immediate issue, perhaps we should retain an humble attitude with regard to knowing best what information the student should or should not be permitted to reveal, as evidenced by his authorization for release of information. Implicit here is my thought that no information should be given out without the student's knowledge, consent, and authorization.

Based on the material presented to this point I have three recommendations. They are being put forth tentatively and with the hope that they will provide a springboard for dialogue. As Szasz points out in relation to the practice of college psychiatry,[18] the

problem would be simplified if it were only that of an individual practicing his profession. In our situation, however, as with his, we are dealing with the institutional behavior made up of many individual behaviors. What seems to be needed are rules that are carefully established so that the bureaucracy can minimize discretionary behavior of individuals. A primary recommendation is therefore that procedures be established regarding the limitations on getting and releasing information about students. It is interesting in this regard that the CSWE Commission on Accreditation has recommended that "schools should have well-defined and promulgated procedures to protect students against prejudiced or capricious academic evaluation, improper disclosure of student views, beliefs and political associations, and limitations upon the freedom of expression."[19] I do not know whether the Council's full accreditation document includes the idea of student responsibility, but the "Joint Statement" adds to this, perhaps as a balance of rights and responsibility, the statement that "at the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled."[20] I believe that combining the statements in the same section serves a useful purpose. I have only recently been informed that the CSWE Board of Directors adopted the Commission on Accreditation's recommendation and also endorsed the "Joint Statement". There is an apparent conflict here which raises the question as to whether the Board of Directors endorses the <u>rights</u> of the students mentioned in the "Joint Statement", but not the responsibilities.

Regarding the establishment of procedures, it is important, it seems to me, to limit discretion. This is necessary to safeguard the relatively powerless. (I am including students in this description though I hesitate even to mention student power at a meeting such as

this.) We in social work advocate such a limitation on discretion when we say that one criterion of a good income maintenance system is minimization of discretion so that all who have similar needs are assured of similar benefits. If we believe this professionally as social workers, let us also believe it professionally as educators, and work as hard in the latter role to provide safeguards for students, without bureaupathy, as we do (or should) in the former.

The second recommendation is that students be involved in the determination of procedures. Students suffer from many vulnerabilities. First, they may not be accepted in the school of their choice. Second, they may be forced to provide information which is against their own uncoerced wish to be accepted in a school. Once in the school, they are subjected to all of the institutional bureaupathies and, since they are merely "passing through", may not be given the opportunity to express their thoughts on the process that brought them in to school. Finally, they are subject to the evaluations of all of the faculties'members and the evaluation that goes out to prospective employers. Thus their entrance into, process through, and exit from a school of social work into their chosen field has hazards at every point. Since I am recommending the establishment of procedures to safeguard students in this journey, I believe strongly that they should participate in the formulation of these procedures. It should be pointed out that the "Joint Statement" has moral suasion only, is without power of enforcement. This is not to minimize the moral force of a statement endorsed by such organizations as the United States National Student Association, the American Association of University Professors, the Association of American Colleges, the National Association of Student Personnel Administrators,

and the National association of Women Deans and Counsellors. To this august list we must now add the CSWE.

Since students in any school are a population in flux, with new members coming and old members going, the need for formal procedures, with participation of the students who are presently subject to the rules, should carry weight.[21] Perhaps in this way students will not ask for retroactivity in agreements that they work out with faculty and administration but would be willing to accept the fact that changes can be made only in the future rather than in the past.

The involvement of students in the determination of procedures would apply regardless of the model of social work practice being emphasized in any one school. The faculty of professional schools must be models of the profession as part of the adult acculturation process. All of the social work models mentioned above require for good practice the participation of the client. In schools good educational practice should include appropriate participation by students in the determination of procedures affecting their lives.

And finally on this point, the involvement of the students in this process would eliminate the problems mentioned earlier regarding the misunderstanding, misinformation, and misuses of the concepts of confidentiality and privilege, through clarification and communication of the facts and dangers involved for the students. With the students' participation the schools could adopt written procedures which the student body, albeit fluctuating in membership, has been instrumental in forming.

The final recommendation is that we get only the information that we need as educators rather than what might be useful to us were we practitioners on the therapy model. In this regard it seems that it is sometimes better not to get information. Having information

may impose a burden on the holder. A good example of this is PL 90-132 and similar legislation which followed, which require social work educators to act in a certain way when they know of a student who has been involved in, etc. etc. etc., a riot. There are implications for the administration, the faculty, and the student when this information is known. This becomes increasingly important with the emphasis on the advocate role being taught to neophytes who may well extend the concept and take it as encouragement to act in ways that put them in jeopardy.

So far as not getting information is concerned, who among us has not had to, at one time or another in his practice, say to a client, "Don't tell me about such and such," knowing that such information may have had to be divulged to investigators from a Committee whose name is accurately descriptive of my evaluation of its methods?

I will be accused of advocating the widespread use of the defense of denial - a very primitive defense indeed. However, what I am advocating is a principle of selection within the framework of what we must know about students to admit them either to school or to the select group of colleagues we call graduate social workers. The caseworker who inquires into infantile psychosexual conflicts of an adult client asking for homemaker service is not practicing good social work. Is it then good educational practice for us to inquire into the previous psychological, psychiatric or other treatment of an applicant to a school of social work who is currently functioning well? Or to ask many of the other questions alluded to above? For one thing we must risk the admission of applicants without knowing everything about them. For another the student must risk in our educational institution, freely entered by him, that he may not be able to complete the education he started. Neither he nor we must view this as too

great a risk to take in order to protect the privacy of students. Not graduating every entrant is a risk, common to all higher education, all professional education. This risk is not overly extended by our not asking for information that invades the privacy of students.

NOTES

1. Singletary, Otis. "Freedom and Order on Campus," American Council on Education, Washington, D.C. 1968

2. ACLU, Policy Statement. "Teacher Disclosure of Information about Students to Prospective Employers," Adopted 1/10/61

3. "Symposium: Student Rights and Campus Rules," California Law Review 54(1): 1-179 (3/66). From a group of distinguished lawyers and law teachers who addressed themselves to the issues that came out of Berkeley in 1964.

4. Student Conduct and Discipline Proceedings in a University Setting, a Proposed Code with Commentary, N.Y.: New York University School of Law, August 1968. A report of a research seminar on Student Conduct and Discipline, which raises the principal issues and suggests possible solutions.

5. ACLU, op. cit.

6. Seeley, John R. "In Defense of the College Psychiatrist," Trans-Action, 5(7): 47-50 (6/68). The author is the Dean, Center for the Study of Democratic Institutions, former Chairman of the Department of Sociology, Brandeis University.

7. Szasz, Thomas S. "The Psychiatrist as Double Agent," Trans-Action, 4(10): 16-24, (10/67).

8. National Conference of Lawyers and Social Workers, "Confidential and Privileged Communications: - Guidelines for Lawyers and Social Workers," New York: NASW Document 10037/ Revised 4/4/68 (mimeographed).

9. Ibid.

10. Personal communication, Margaret E. Adams, ACSW, Director, Department of Professional Standards, NASW

11. Student Conduct and Discipline Proceedings (see footnote 4) p. 21

12. ACLU, op. cit.

13. Szasz, op. cit. p. 21

14. Seeley, op. cit, p. 49

15. Ibid. p. 50

16. "Joint Statement on Rights and Freedoms of Students," in AAUP Bulletin, 53 (4): 365-8, (12/67). This statement was endorsed by the National Student Association 8/67; the AAUP, 4/26/68; the Association of American Colleges, 1/17/68; the National Association of Student Personnel Administrators, 4/2/68; and the National Association of Women Deans and Counselors, 4/6/68. See also "Administrator's Handbook: Understanding the Joint Statement on Rights and Freedoms of Students," Chicago: College and University Business, 1968. This includes a complete draft text of the "Student Bill of Rights" and the endorsements by sponsoring organizations.

17. ACLU, op.cit.

18. Szasz, op.cit.

19. Recommendation by The Commission on Accreditation to the Board of Directors of the CSWE, 9/24/68 (ditto)

20. "Joint Statement," (see footnote 16) AAUP Bulletin, p. 366.

21. "Student Rights and Campus Rules" (see footnote 3)